

**Minutes
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

July 8, 2010

- I. CALL TO ORDER** - The meeting was called to order at 1:33 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission Members Present – Carolyn Richardson, Chair; Mike Cravens, Vice Chair; Lynn Roche-Phillips; Marie Copeland; Derek Paulsen; Mike Owens; William Wilson (arrived at 1:35 PM); Ed Holmes and Patrick Brewer.

Planning Staff Present – Chris King, Director; Bill Sallee, Barbara Rackers, Tom Martin, Chris Taylor, Cheryl Gallt, Denice Bullock and Jimmy Emmons. Other staff members in attendance were: Steve Parker, Division of Engineering; Captain Charles Bowen and Firefighter Allen Case, Division of Fire & Emergency Services; Rochelle Boland, Department of Law; Jim Gallimore, Traffic Engineering; and Bob Carpenter and Steve Harrod, Division of Building Inspection.

Planning Commission Comments – The Chair and the members of the Commission expressed their gratitude to Frank Penn and Joan Whitman for their service to this Commission. Ms. Richardson said that Mr. Penn and Ms. Whitman have contributed their time to the Planning Commission and to the City of Lexington for eight years, and during their terms they have volunteered their time by participating in various numerous meetings as members of various Committees.

The Chair announced that Mr. Cravens was reappointed to the Planning Commission for a second term, and he was also nominated as Vice Chair of this Commission.

The Chair acknowledged that members of the Boy Scouts of America were present in the audience, and asked that they come forward to introduce themselves and explain about the merit badge they would be acquiring by attending a public meeting. Tyler Fulkerson was present along, with his brother, and said that, as part of their Communications Merit Badge, they must attend a public meeting, such as the Urban County Council or the Planning Commission. The Chair thanked the boys for being present at the today's Planning Commission meeting.

Note: Mr. Wilson arrived at this time.

- II. APPROVAL OF MINUTES** – The Chair reminded the members that there was no prior Planning Commission meeting minutes to be considered at this time.

- III. POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.

Planning Commission Comment – The Chair asked if anyone in the audience or on the staff wished to make a request for postponement or withdrawal.

- a. DP 2010-26: GRIFFIN GATE OFFICE PARK (AMD) (8/1/10)* - located at 1460 Newtown Pike.
(Council District 2) **(Wheat and Ladenburger)**

Representation – Roger Ladenburger, Wheat and Ladenburger, was present representing the applicant, and requested postponement of DP 2010-26 to the August 12, 2010, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Owens, seconded by Mr. Cravens, and carried 9-0 to postpone DP 2010-26 to the August 12, 2010, Planning Commission meeting.

- b. PLAN 2010-13P: FAIRWAY LANDS, UNIT 11 (7/8/10)* - located at 350 Henry Clay Boulevard.
(Council District 5) **(EA Partners)**

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant, requesting postponement of PLAN 2010-13P to the August 12, 2010, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Mr. Brewer, and carried 9-0 to postpone PLAN 2010-13P to the August 12, 2010, Planning Commission meeting.

- c. DP 2010-15: GESS PROPERTY, UNIT 8 (7/8/10)* - located at 840 Hays Boulevard and 4115 Sperling Drive (a portion of).
(Council District 7) **(EA Partners)**

* - Denotes date by which Commission must either approve or disapprove plan.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant, requesting postponement of DP 2010-15 to the August 12, 2010, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Brewer, seconded by Mr. Owens, and carried 9-0 to postpone DP 2010-15 to the August 12, 2010, Planning Commission meeting.

- d. DP 2006-65: BLACKFORD PROPERTY, PHASES 1 & 2 (AMD.) (7/8/10)* – located at 6600 Man O' War Boulevard (a portion of).
(Council District 12) **(EA Partners)**

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant, requesting postponement of DP 2006-65 to the August 12, 2010, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Owens, seconded by Mr. Cravens, and carried 9-0 to postpone DP 2006-65 to the August 12, 2010, Planning Commission meeting.

- IV. LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, July 1, 2010, at 8:30 a.m. The meeting was attended by Commission members: Mike Cravens, Mike Owens, Carolyn Richardson, and Marie Copeland. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jim Gallimore, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Gallt, Jimmy Emmons, Denice Bullock, and Barbara Rackers, as well as Captain Charles Bowen, Division of Fire & Emergency Services; and Bob Carpenter and Steven Harrod, Division of Building Inspection. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

- 1. All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
- 2. All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

- A. CONSENT AGENDA - NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

Criteria:

- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
- (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
- (3) no discussion of the item is desired by the Commission; and
- (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
- (5) the matter does not involve a waiver of the Land Subdivision Regulations.

Requests can be made to remove items from the Consent Agenda:

- (1) due to prior postponements and withdrawals,
- (2) from the Planning Commission,
- (3) from the audience, and
- (4) from Petitioners and their representatives.

At this time, The Chair requested that the Consent Agenda items be reviewed. Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval of many of these items. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2010-59F: LAKEVIEW ACRES, UNIT 3-A, TRACT 10, LOT 12 (AMD) (8/26/10)* - located at 1535 and 1545 Lakeview Drive. (Council District 5) **(Eagle Engineering)**

Note: The purpose of this amendment is to reduce the building line from 50' to 40.'

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of required street tree information.
4. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.

* - Denotes date by which Commission must either approve or disapprove plan.

5. Denote all private utility providers.
 6. Denote the lot square footage.
 7. Addition of private street maintenance note from the previous plat.
 8. Clarify Harmony Hall Lane cross-section dimensions.
 9. Addition of approved addresses from the previous plat.
 10. Addition of street tree notes and information from the previous plat.
 11. Addition of adjacent property zoning information.
2. PLAN 2010-60F: MAPLELEAF SUBDIVISION, UNIT 1, LOTS 10, 11, 12 & 13 (AMD) (8/26/10)* - located at 3150 Mapleleaf Drive. (Council District 7) **(Endris Engineering)**

Note: The purpose of this amendment is to subdivide 1 lot into 4 lots, and to add sanitary sewer easements.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and required street tree information.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection area(s).
 6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 7. Denote reciprocal parking and access.
 8. Denote private or public status of sanitary sewer easements.
 9. Addition of easement maintenance note per Article 5-4(g) of the Land Subdivision Regulations.
 10. Clarify the purpose of amendment note.
3. PLAN 2010-61F: HILLENMEYER PROPERTY, UNIT 1, PHASE I (8/26/10)* - located at 2801 Sandersville Road. (Council District 2) **(Hall-Harmon Engineers)**
- The Subdivision Committee Recommended: Approval, subject to the following requirements:
1. Urban County Engineer's acceptance of drainage, storm, sanitary sewers and floodplain information.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and required street tree information.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection area(s).
 6. Department of Environmental Quality's approval of environmentally sensitive areas and steep slopes.
 7. Greenspace Planner's approval of the treatment of greenways and greenspace.
 8. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 9. Denote 15' tree protection area, per preliminary subdivision plan.
 10. Correct lot numbers to be consistent with remainder of plat (#204-210).
 11. Certification of an amended Preliminary Subdivision Plan prior to the recordation of lots 18-21.
4. PLAN 2005-330F: SOUTH HILL GARDENS (9/27/10)* - located at 408 and 426 South Mill Street and 421 through 437 Lawrence Street. (Council District 3) **(Wheat and Ladenburger)**

Note: The Planning Commission originally approved this plan on December 5, 2005, and reapproved it on July 9, 2009, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
5. Approval of street addresses as per e911 staff.
6. Urban Forester's approval of tree preservation plan.
7. Denote: There shall be no building permits issued until Final Development Plan has been approved.
8. Demonstrate compliance of existing buildings with lot requirements.
9. Increase font size on entire plan.
10. Document the minimum lot size and the square footage requirements.
11. Addition of adjoining property information and zoning.
12. Resolve landscape and buffer area for zone-to-zone screening.
13. The Planning Commission must approve a Final Development Plan prior to recordation of this plat.
14. Revise lot layout and add easements as appropriate, such that the proposed Home Owners Association open space is an accessory rather than principal permitted use.

Note: Section 1 of this plat was recorded on 4/3/10. However, the Commission's approval of the remainder will soon expire and the applicant now requests a one-year extension of the Commission's prior approval.

* - Denotes date by which Commission must either approve or disapprove plan.

The Staff Recommended: Approval of the extension (for Section 2), subject to the previous conditions.

Note: Mr. Sallee noted that DP 2010-26 was postponed for one month by the Commission earlier in today's meeting.

5. DP 2010-32: LANSBROOK PLAZA SHOPPING CENTER (AMD #7) (8/26/10)* - located at 3501 Lansdowne Drive.
(Council District 4) **(Barrett Partners)**

Note: The purpose of this amendment is to add 152 square feet to building #3.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
 2. Building Inspection's approval of landscaping and landscape buffers.
 3. Urban Forester's approval of tree protection plan.
 4. Division of Fire's approval of emergency access and fire hydrant locations.
 5. Improve legibility of numeric site statistics and parking related dimensions.
 6. Addition of existing accessory structure to development plan.
6. DP 2010-38: GRIFFIN GATE (MARRIOTT) (AMD #4) (9/21/10)* - located at 1800 Newtown pike.
(Council District 2) **(M2D Design Group)**

Note: The purpose of this amendment is to add 6,675 square feet of floor area and restrooms.

The Subdivision Committee Recommended: Approval, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection plan.
 6. Department of Environmental Quality's approval of environmentally sensitive areas.
 7. Division of Fire's approval of emergency access and fire hydrant locations.
 8. Improve text legibility on front building line and easement.
 9. Denote boundaries of property being developed (to the east) under this proposed amendment.
 10. Addition of entrance, parking drive aisles and spaces, and building dimensions (per previous plan).
 11. Denote construction access point location.
 12. Addition of record plan designation.
 13. Addition of adjacent property information.
 14. Addition of topography information from LFUCG base maps or other source.
 15. Addition of written scale.
 16. Denote proposed and existing easements.
 17. Addition of all notes from the previously approved development plan.
 18. Correct note #3 in tree statistics to include soil types.
 19. Complete site statistics (per previous plan).
 20. Correct plan title and spelling.
 21. Review by Technical Committee prior to certification.
7. DP 2008-20: THE LANDINGS (AMD) (9/27/10)* – located at 2414 Lake Park Drive.
(Council District 5) **(Foster – Roland, Inc.)**

Note: The Planning Commission originally approved this plan on March 3, 2008, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscape buffers.
4. Urban Forester's approval of tree preservation area.
5. Division of Fire's approval of emergency access and fire hydrant locations.
6. Division of Waste Management's approval of refuse collection.
7. Approval of street names and addresses per e911 staff.
8. Addition of building dimensions.
9. Addition of typical parking spaces.
10. Addition of required development notes per Article 21 of the Zoning Ordinance.
11. Addition of parking lane dimensions.
12. Addition of all easements.
13. Clarify proposed building layout.
14. Add Lake Park Drive cross-section.
15. Denote compliance with off-street parking.
16. Resolve building and lake conflict.
17. Denote existing and proposed floor area ratio and lot coverage.

* - Denotes date by which Commission must either approve or disapprove plan.

Note: The Planning Commission reapproved this plan on May 14, 2009, subject to the previous conditions. Commission approval has since expired, and the applicant now requests a reapproval.

The Staff Recommended: Reapproval, subject to the previous conditions.

In conclusion, Mr. Sallee said that the remaining items listed on the Consent Agenda could be considered for conditional approval at this time by the Commission, unless there was a request for an item to be removed from consideration for discussion.

Planning Commission Comment – The Chair asked if anyone in the audience or on the Commission wished to discuss any of the items listed on the Consent Agenda. Mr. Copeland requested that DP 2010-38 be removed from the Consent Agenda for further discussion by the Commission. Upon further review of the Consent Agenda, she withdrew her request.

Action - A motion was made by Mr. Brewer, seconded by Mr. Holmes and carried 9-0 to approve the remaining items listed on the Consent Agenda.

B. DISCUSSION ITEMS – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for consideration of these remaining plans is as follows:

- Staff Report(s)
- Petitioner's Report(s)
- Citizen Comments – (a) in support of the request, and (b) in opposition to the request
- Rebuttal – (a) petitioner's comments, (b) citizen comments, and (c) staff comments
- Commission discusses and/or votes on the plan

1. DEVELOPMENT PLANS

- a. DP 2010-33: GENERAL TELEPHONE CO. OF KY, LOT 2 (AMD) (8/26/10)* - located at 3695 Nicholasville Road.
(Council District 9) **(Barrett Partners)**

Note: The purpose of this amendment is to add a "right-out" access to Rojay Drive and to delete 3 parking spaces.

The Subdivision Committee Recommended: Postponement, for the following reason:

1. The Division of Public Works and Development is reviewing the proposed right-in and right-out access to determine if it is detrimental to public safety. Additional time is necessary to complete this review, prior to a substantive recommendation on this Amended Final Development Plan.

Staff Presentation – Mr. Taylor directed the Commission's attention to a rendering of the amended final development plan for property located at 3695 Nicholasville Road. He oriented the Commission to the surrounding area, and said that the subject property is located at the corner of Nicholasville Road and Rojay Drive. He noted that the subject property was formerly a car dealership. He pointed out the location of the Pontiac-Acura car dealership south of Rojay Drive, and the Fayette Mall Property north of the subject site. He said that the original development plan had proposed a grocery store and retail space along with two accesses being provided into the subject site off Rojay Drive. He then said that the purpose of the amendment is to provide a "right-in" and "right-out" access near the corner of Nicholasville Road and Rojay Drive.

Mr. Taylor said that the Subdivision Committee had recommended postponement of this request due to a lengthy discussion concerning the proposed "right-out" access from the subject site on Rojay Drive. He then said that the Division of Traffic Engineering had indicated that additional improvements to Rojay Drive would be necessary, and these improvements should include a concrete median to help facilitate no left turns out of the subject site. The Division of Traffic Engineering also had a concern with the varying distance being shown for the "right-in" and "right-out" accesses; however, since the Subdivision Committee meeting, the staff has learned that the Division of Traffic Engineering is now satisfied with the revised schematic for the "right-in" and "right-out" access.

In conclusion, Mr. Taylor said that the staff can now recommended approval of the revised amended development plan, subject to the following conditions:

1. Urban County Traffic Engineer's approval of street cross-sections and access.
2. Building Inspection's approval of landscaping and landscape buffers.
3. Label canopies on retail buildings.

Representation – Tony Barrett, Barrett Partners, was present representing the applicant. He said that they are in agreement with the staff's revised recommendations, and requested approval.

* - Denotes date by which Commission must either approve or disapprove plan.

Planning Commission Questions – Mr. Owens asked if there will be measures taken to prevent traffic from making a left turn off Rojay Drive onto Nicholasville Centre Drive. Mr. Barrett said that a “right-in” and “right-out” median is being proposed directly across from Nicholasville Centre Drive. He then said that this will prevent traffic crossing Rojay Drive to gain access to Nicholasville Centre Drive; however, the traffic coming off Nicholasville Road onto Rojay Drive will still be able to make a left turn onto Nicholasville Centre Drive.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Ms. Copeland, seconded by Mr. Brewer, and carried 9-0 to approve DP 2010-33, subject to the conditions listed by the staff.

- C. PERFORMANCE BONDS AND LETTERS OF CREDIT** – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

Action: A motion was made by Ms. Roche-Phillips, seconded by Mr. Cravens, and carried 9-0 to approve the release and call of bonds as detailed in the memorandum dated July 8, 2010, from Ron St. Clair, Division of Engineering.

- VI. COMMISSION ITEMS** - The Chairman will announce that any item a Commission member would like to present will be heard at this time.

- A. CANCELLATION OF COMMISSION WORK SESSION ON JULY 29, 2010** - The Chair said that since there are two Work Session scheduled for the month of July, she suggest that the July 29th Work Session be cancelled at this time.

Action: A motion was made by Ms. Copeland, seconded by Mr. Wilson, and carried 9-0 to cancel the previously scheduled July 29, 2010, Work Session.

- B. CLOSING COMMENTS** – Mr. Owens invited the Fulkerson brothers to attend the next Planning Commission meeting should they not be able to acquire their Communication Merit badge based upon this short meeting.

- VII. STAFF ITEMS** - The Chair asked if anyone in the staff wished to bring forward an issue to discuss with the Commission. There was no response.

- VIII. AUDIENCE ITEMS** – The Chair asked if anyone in the audience wished to come forward to discuss an issue with the Commission. There was no response.

IX. NEXT MEETING DATES -

Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	July 15, 2010
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	July 22, 2010
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	July 28, 2010
Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers (Cancelled)	July 29, 2010
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	August 5, 2010
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)	August 5, 2010
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	August 12, 2010

- IX. ADJOURNMENT** - There being no further business, a motion was made to adjourn the meeting at 1:55 p.m.

Carolyn Richardson, Chair

Mike Owens, Secretary

CT/CG/TM/WLS/SDB